

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

NATHAN B. MARTIN, )  
vs. Plaintiff, ) NO. CIV-09-0128-HE  
MIKE CORY, et al., )  
Defendants. )

**ORDER**

Plaintiff, a former state pretrial detainee appearing *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Gary M. Purcell, who has recommended that the action be dismissed without prejudice for failure to state a claim pursuant to 28 U.S.C. §§1915A(b) and 1915(e)(2)(B).

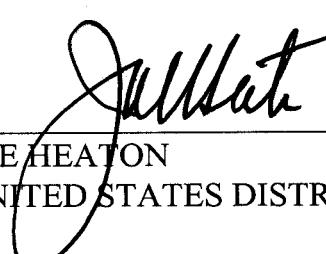
The plaintiff failed to object to the magistrate judge's Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(C); LCvR72.1. Accordingly, the court adopts Magistrate Judge Purcell's Report and Recommendation and dismisses this action without prejudice. 28 U.S.C. § 1915(e)(2)(B).<sup>1</sup>

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<sup>1</sup>As the plaintiff apparently is no longer a prisoner, see Report and Recommendation, p 1 n.1, dismissal is appropriate pursuant to 28 U.S.C. § 1915(e)(2)(B). See Michau v. Charleston County, S.C., 434 F.3d 725, 727 (4th Cir. 2006).

**IT IS SO ORDERED.**

Dated this 6 day of May, 2009.

  
JOE HEATON  
UNITED STATES DISTRICT JUDGE